

REMARKS

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out that each authorization level associated with a cryptographic output is associated with one of a plurality of users authorized to use a device. No new matter has been added as a result of these amendments.

Objections

Objections to the Claims

The Examiner objects to claims 35 and 39 because the status indicators were not correct. The Applicant has corrected the status indicators to indicate that claims 35 and 39 are “Previously Presented” in this response. Accordingly, Applicant respectfully requests the withdrawal of the objection to the claims.

Rejections

Rejections under 35 U.S.C. § 102(b)

Claims 1, 3-5, 7-9, 14, 16-18, 20-22, 27, 33-34, 37-38, 41-42, 44-45 and 47

Claims 1, 3-5, 7-9, 14, 16-18, 20-22, 27, 33-34, 37-38, 41-42, 44-45 and 47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,598,474 to Johnson (hereinafter “Johnson”).

Johnson discloses encoding biometric information onto an identification card. The Examiner is equating Johnson’s card with Applicant’s device as claimed. However, Johnson does not teach or suggest that the output from the biometric encoding process comprises one of a plurality of authorization levels, such that each authorization level is associated with one of a plurality of users authorized to use the device, as claimed in amended independent claims 1, 14, 27, and 37.

Accordingly, Applicant respectfully submits that the invention claimed in pending claims 1, 3-5, 7-9, 14, 16-18, 20-22, 27, 33-34, 37-38, 41-42, 44-45 and 47 is not

anticipated by Johnson under 35 U.S.C. § 102(b) and respectfully requests the withdrawal of the rejection of the claims.

Rejections under 35 U.S.C. § 103

Claims 2, 6, 15, 19, 32 and 40

Claims 2, 6, 15, 19, 32 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in light of U.S. Patent 6,314,196 to Yamaguchi et al (hereinafter “Yamaguchi”). Yamaguchi qualifies as prior art only under 35 U.S.C. § 102(e) because it was issued after Applicant's effective filing date. Applicant does not admit that Yamaguchi is prior art and reserves the right to challenge it at a later date.

Yamaguchi discloses a fingerprinting registering system. However, neither Johnson nor Yamaguchi teach or suggest a cryptographic output that comprises one of a plurality of authorization levels, each authorization level is associated with one of a plurality of users authorized to use a device, as claimed in amended independent claims 1, 14, 27 and 37 and claims 2, 6, 15, 19, 32, and 40 that depend from them.

Therefore, the combination cannot render obvious Applicant's invention as claimed in pending claims 2, 6, 15, 19, 32 and 40, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson and Yamaguchi.

Claims 10, 23 and 35

Claims 10, 23 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Official Notices that voice identification systems and preventing a transaction based on comparing were well known in the art at the time of invention.

However, neither Johnson nor the Examiner's asserted notices teach or suggest a cryptographic output that comprises one of a plurality of authorization levels, each authorization level is associated with one of a plurality of users authorized to use a device, as claimed in amended independent claims 1, 14 and 27 and claims 10, 23 and 35 that depend from them.

Therefore, Applicant respectfully requests the withdrawal of the rejection of claims 10, 23 and 35 under 35 U.S.C. § 103(a) over Johnson.

Claims 11-12, 24-25, 36, 43, 46 and 57

Claims 11-12, 24-25, 36, 43, 46 and 57 stand rejected under U.S.C. § 103(a) as being unpatentable over Johnson in view of U.S. Patent 6,289,323 to Gordon et al (hereinafter “Gordon”). Gordon qualifies as prior art only under 35 U.S.C. § 102(e) because it was issued after Applicant's effective filing date. Applicant does not admit that Gordon is prior art and reserves the right to challenge it at a later date.

Gordon discloses conducting secure transactions using cryptographic transformations of messages. However, neither Johnson nor Gordon teach or suggest a cryptographic output that comprises one of a plurality of authorization levels, each authorization level is associated with one of a plurality of users authorized to use a device, as claimed in amended independent claims 1, 14, 27 and 37, and claims 11-12, 24-25, 36, 43, 46 and 57 that depend from them.

Therefore, the combination cannot render obvious Applicant's invention as claimed in pending claims 11-12, 24-25, 36, 43, 46 and 57, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson and Gordon.

Claims 13, 26 and 28-31

Claims 13, 26 and 28-31 stand rejected under 35 U.S.C. § 103(a) over the combination of Johnson and Yamaguchi in light of U.S. Patent 6,353,811 to Weissman (hereinafter “Weissman”) and U.S. Patent 5,594,230 to Waite et al (hereinafter “Waite”). Weissman qualifies as prior art only under 35 U.S.C. § 102(e) because it was issued after Applicant's effective filing date. Applicant does not admit that Weissman is prior art and reserves the right to challenge it at a later date.

Weissman discloses allocating monetary values to different sub-accounts within a user's main account. Waite discloses a barcode system. However, none of Johnson, Yamaguchi, Weissman and Waite teach or suggest a cryptographic output that comprises one of a plurality of authorization levels, each authorization level is associated with one

of a plurality of users authorized to use a device, as claimed in amended independent claims 1, 14 and 27, from which claims 13, 26 and 28-31 depend.

Therefore, the combination cannot render obvious Applicant's invention as claimed in pending claims 13, 26 and 28-31, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson, Yamaguchi, Weissman and Waite.

Claims 39

Claim 39 stands rejected under 35 U.S.C. § 103(a) over Johnson in view of U.S. Patent 6,014,636 to Reeder (hereinafter "Reeder").

Reeder discloses a home point of sale terminal. However, neither Johnson nor Reeder teach or suggest a cryptographic output that comprises one of a plurality of authorization levels, each authorization level is associated with one of a plurality of users authorized to use a device, as claimed in amended independent claim 37, from which claim 39 depends.

Therefore, the combination cannot render obvious Applicant's invention as claimed in pending claim 39, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson and Reeder.

Claims 1, 3-5, 7-10, 14, 16-18, 20-23, 27, 33-35, 37-38, 41-42, 44-45 and 47

Claims 1, 3-5, 7-10, 14, 16-18, 20-23, 27, 33-35, 37-38, 41-42, 44-45 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of US Patent 4,443,027 to McNeeley (hereinafter "McNeeley").

McNeeley discloses a multiple-company credit-card system. However, neither Johnson nor McNeeley teach or suggest a cryptographic output that comprises one of a plurality of authorization levels, each authorization level is associated with one of a plurality of users authorized to use a device, as claimed in amended independent claim 1, 14, 27 and 37, and claims 3-5, 7-10, 16-18, 20-23, 33-35, 38, 41-42 and 47 that depend from them.

Therefore, the combination cannot render obvious Applicant's invention as claimed in pending claims 1, 3-5, 7-10, 14, 16-18, 20-23, 27, 33-35, 37-38, 41-42, 44-45 and 47, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson and McNeeley.

Claims 2, 6, 15, 19, 32 and 40

Claims 2, 6, 15, 19, 32 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of McNeeley and in further view of Yamaguchi.

Because the combination of Johnson, McNeeley and Yamaguchi does not teach or suggest a cryptographic output that comprises one of a plurality of authorization levels, each authorization level is associated with one of a plurality of users authorized to use a device, as claimed in independent claims 1, 14, 27 and 37, the combination cannot render obvious Applicant's invention as claimed in dependent claims 2, 6, 15, 19, 32 and 40. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson, McNeeley and Yamaguchi.

Claims 11-12, 24-25, 36, 43, 46 and 57

Claims 11-12, 24-25, 36, 43, 46 and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of McNeeley and in further view of Gordon.

Because the combination of Johnson, McNeeley and Gordon does not teach or suggest a cryptographic output that comprises one of a plurality of authorization levels, each authorization level is associated with one of a plurality of users authorized to use a device, as claimed in independent claims 1, 14, 27 and 37, the combination cannot render obvious Applicant's invention as claimed in dependent claims 11-12, 24-25, 36, 43, 46 and 57. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson, McNeeley and Gordon.

Claims 13, 26 and 28-31

Claims 13, 26 and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of McNeeley and in further view of Weissman and Waite.

Because the combination of Johnson, McNeeley, Weissman and Waite does not teach or suggest a cryptographic output that comprises one of a plurality of authorization levels, each authorization level is associated with one of a plurality of users authorized to use a device, as claimed in independent claims 1, 14 and 27, the combination cannot render obvious Applicant's invention as claimed in dependent claims 13, 26 and 28-31. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Johnson, McNeeley, Weissman and Waite.

SUMMARY

Claims 1-47 and 57 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Vincent Lue at (408) 720-8300 x329.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP



Vincent WenJeng Lue
Registration No. 56,564

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12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300 x309